

ORDINANCE NO. 20070726-118

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3923 MEDICAL PARKWAY FROM NEIGHBORHOOD COMMERCIAL (LR) DISTRICT AND GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from neighborhood commercial (LR) district and general commercial services (CS) district to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district on the property described in Zoning Case No. C14-2007-0074, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.390 acre tract of land, more or less, out of the George W. Spear League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 3923 Medical Parkway, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Except as otherwise provided in this section, the maximum height of a building or structure is 46 feet from ground level.
1. The maximum height is 40 feet from ground level for a building or structure constructed at the minimum setback lines from Medical Parkway and West 40th Street; and
 2. At four feet from the minimum setback lines established in Subsection 1, the height of the building or structure may increase up to the maximum height of 46 feet.

B. The following uses are prohibited uses of the Property:

Agricultural sales and services	Art workshop
Automotive repair services	Automotive rentals
Automotive sales	Automotive washing (of any type)
Bail bond services	Building maintenance services
Business or trade school	Business support services
Campground	Commercial blood plasma center
Commercial off-street parking	Communications services
Construction sales and services	Consumer convenience services
Consumer repair services	Convenience storage
Drop-off recycling collection facility	Electronic prototype assembly
Electronic testing	Equipment repair services
Equipment sales	Exterminating services
Food preparation	Food sales
Funeral services	Hotel-motel
Indoor entertainment	Indoor sports and recreation
Kennels	Laundry services
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Pet services
Plant nursery	Printing and publishing
Research services	Restaurant (general)
Restaurant (limited)	Service station
Software development	Theater
Vehicle storage	Veterinary services
Medical offices (exceeding 5,000 sq.ft. gross floor area)	

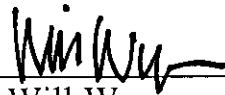
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use (MU) combining district, and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on August 6, 2007.


PASSED AND APPROVED

July 26, 2007

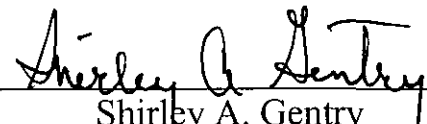
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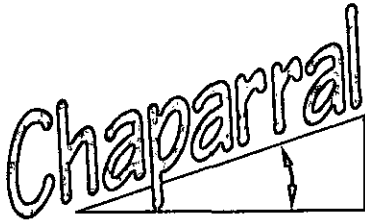

Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**0.390 ACRES
GEORGE W. SPEAR LEAGUE**

A DESCRIPTION OF A SURVEY OF 0.390 ACRES (APPROXIMATELY 16,976 SQUARE FEET) IN THE GEORGE W. SPEAR LEAGUE, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOTS 2 AND 3, BLOCK 6, HENRY B. SEIDERS SUBDIVISION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONSISTING OF:

TRACT 1: THE NORTH 43 FEET OF SAID LOT 2 BEING CONVEYED TO THORACIC & CARDIOVASCULAR REALTY CO. IN A WARRANTY DEED DATED FEBRUARY 22, 1988 AND RECORDED IN VOLUME 10592, PAGE 296 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS,

TRACT 2: THE SOUTH 44 FEET OF SAID LOT 3 BEING CONVEYED TO THORACIC & CARDIOVASCULAR REALTY CO. IN A WARRANTY DEED WITH VENDOR'S LIEN DATED FEBRUARY 13, 2003 AND RECORDED IN DOCUMENT NO. 2003036334 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

TRACT 3: A 152' X 24.83' PORTION OF LOT 3 BEING CONVEYED TO THORACIC AND CARDIOVASCULAR REALTY CO. IN A SPECIAL WARRANTY DEED DATED DECEMBER 15, 2006 AND RECORDED IN DOCUMENT NO. 2006244317 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

SAID 0.390 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1/2" iron pipe found at the intersection of the south right-of-way line of West 40th Street (60' right-of-way width) and the east right-of-way line of Medical Parkway (right-of-way width varies), being in the west line of said Lot 3, being the northwest corner of the said 152' X 24.83' tract, being also the southwest corner of a 3648 square foot tract described in Volume 2776, Page 200 of the Deed Records of Travis County, Texas;

THENCE South 62°20'50" East with the south right-of-way line of West 40th Street, the south line of the said 3648 square foot tract and the north line of the said 152' X 24.83' tract, a distance of 151.88 feet to a nail in punch hole found at the intersection of the south right-of-way line of West 40th Street and the west right-of-way line of a 20' alley, being in the east line of said Lot 3, being the southeast corner of the said 3648 square foot tract, being also the northeast corner of the said 152' X 24.83' tract, from which a 3/4" iron pipe found at the intersection of the north right-of-way line of West 40th Street

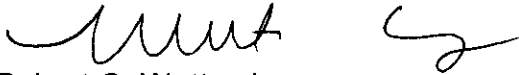
and the west right-of-way line of a 20' alley, bears North 27°39'24" East, a distance of 60.03 feet;

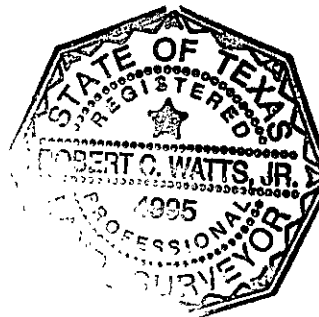
THENCE South 27°34'08" West with the west right-of-way line of a 20' alley and the east line of said Lots 2 and 3, a distance of 111.81 feet to a 1/2" rebar found for the southeast corner of the said north 43 feet of Lot 2 tract, being also the northeast corner of a 7,599 square foot tract of land described in Volume 11701, Page 1098 of the Real Property Records of Travis County, Texas;

THENCE North 62°18'09" West with the south line of the said north 43 feet of Lot 2 tract and the north line of the said 7,599 square foot tract, a distance of 151.94 feet to a calculated point in the east right-of-way line of Medical Parkway, being in the west line of said Lot 2, being the southwest corner of the said north 43 feet of Lot 2 tract, being also the northwest corner of the said 7,599 square foot tract;

THENCE North 27°35'42" East with the east right-of-way line of Medical Parkway and the west line of said Lots 2 and 3, a distance of 111.69 feet to the **POINT OF BEGINNING**, containing 0.390 acres of land, more or less.

Prepared from a survey made on the ground January 23, 2007. Bearing basis is Grid Azimuth for the Texas Central Zone, 1983/93 HARN values from the LCRA survey control network. Attachments: Survey Drawing 482-001-TI.


Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



1-26.07

